

Remarks

Claims 1 to 75 were in the application as originally filed. Claim 76 was added by the Amendment filed August 18, 2006. Claims 63 and 65 to 75 were canceled by the Amendment filed on April 20, 2007.

Claims 10, 11, 51, 59 and 60 have been canceled and Claims 1 to 3, 8, 14, 15 to 20, 39, 41, 42, 45, 46, 52, 54, 56 to 58, and 61 have been amended, without prejudice, to delete the non-elected subject matter of Groups II to VI. Claim 9 has been canceled as being essentially redundant over presently amended Claim 1. Applicants reserve the right to prosecute the deleted subject matter in one or more divisional, continuation, or continuation-in-part applications on the same.

Claim 8 has been amended to include the proviso language from Claim 1. Support for this amendment can be found, for example, in original Claims 1 and 8.

Claims 1 to 3, 5, 8, 14, 16, 19, 20, 39, 41, 42, 45 to 47, 52, and 54 to 56, have been amended to correct inadvertent typographical errors and to comport the claims with U.S. claim format.

No new matter has been added by these amendments.

As presently amended, Claims 1 to 8, 12 to 50, 52 to 58, 61, 62, 64, and 76 are pending in this application.

Applicants acknowledge with appreciation the Examiner's statement that the rejections and/or objections not expressly maintained have been withdrawn or rendered moot (Office Action, page 2). Specifically, we acknowledge the withdrawal of the rejection of Claims 63 to 75 under 35 U.S.C. § 112, first paragraph; the rejection of Claims 1 to 9, 12 to 50, 52 to 58, and 62 to 76 under 35 U.S.C. § 112, second paragraph; and the rejection of Claims 1 to 9, 12 to 50, 52 to 58, 62, 64 and 72 to 76 under 35 U.S.C. § 103(a).

Discussion of Election/Restriction Requirement

Claims 1 to 7, 9, 12 to 50, 52 to 58, 62, 64 and 76 are objected to for containing non-elected subject matter. The Examiner states that these claims "would be allowable if amended to the extent readable on the elected invention, i.e., p is 0 and R2 and R3 are independent substituents and are NOT taken together to form a cyclic group" (Office Action, page 4).

Claims 10, 11, 51, 59 and 60 have been canceled and Claims 1 to 3, 8, 14, 15 to 20, 39, 41, 42, 45, 46, 52, 54, 56 to 58, and 61 have been amended to delete the non-elected subject matter. Accordingly, Claims 1 to 8, 12 to 50, 52 to 58, 61, 62, 64 and 76 are believed to allowable.

Discussion of Rejection under 35 U.S.C. § 112, first paragraph

Claim 8 is rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner indicates that the invention was originally described as be related to compounds of formula (I) with a proviso, but that Claim 8 does not contain the proviso.

This rejection is rendered moot in view of the above-described amendment to Claim 8, adding the proviso. Accordingly, withdrawal of this rejection is respectfully requested.

Allowable subject matter

Applicants note with appreciation the allowance of Claim 61.

There being no remaining issues, this application is believed in condition for favorable reconsideration and early allowance, and such actions are earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 18-1982.

Respectfully submitted,

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Date

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